

Order

Michigan Supreme Court
Lansing, Michigan

September 17, 2008

137045

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

In re SARAH ROSS, JACOB FULTON, JORDAN
FULTON and TYLER FULTON, Minors.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Appellant,

v

SC: 137045
COA: 282514
Clinton CC Family Division:
05-017968-NA

AMBER ROSS,
Respondent-Appellee,
and

TROY FULTON,
Respondent.

On order of the Court, the application for leave to appeal the July 10, 2008 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the November 26, 2007 order of the Clinton Circuit Court, Family Division, terminating the respondent-mother's parental rights to the minor children. The Court of Appeals misapplied the clear error standard by substituting its judgment for that of the trial court, MCR 2.613(C); *In re Miller*, 433 Mich 331 (1989), and rendered a decision that was contrary to the clear and convincing evidence supporting termination of the respondent-mother's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We REMAND this case to the Clinton Circuit Court, Family Division for further proceedings not inconsistent with this order.

We do not retain jurisdiction.

MARKMAN, J., would deny leave to appeal.



s0910

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 17, 2008

Corbin R. Davis

Clerk